

REPUBLIC OF LIBERIA





ANNUAL REPORT

OF THE

PUBLIC PROCUREMENT & CONCESSIONS COMMISSION

Executive Mansion Grounds
Capitol Hill, Monrovia, Liberia
Website: www.ppcc.gov.lr
Email: info@ppcc.gov.lr

For the Year 2019



December 31, 2019

ENSURING ECONOMIC AND EFFICIENT USE OF PUBLIC FUNDS



Public Procurement & Concessions Commission

Executive Mansion Grounds Capitol Hill, Monrovia, Liberia



Website: www.ppcc.gov.lr Tel. #0886-655-4699

December 31, 2019

The Honorable Members of the National Legislature Capitol Building Monrovia, Liberia

Honorable;

The Chairperson, Board of Commissioners along with the Secretariat present its compliments. The Board is herewith submitting the Annual Report of the Public Procurement Concession Commission (PPCC) highlighting achievements and challenges covering the period January 1 through December 31, 2019.

The Amended and Restated Public Procurement and Concessions Act of 2010 gives the Commission oversight responsibilities for public procurement and concessions in Liberia.

Honorable, the Act also ensures that the economic and efficient use of public funds in the procurement of goods, works and services as well as the granting of concessions is followed through a process that are competitive, transparent and non-discriminatory.

Honorable Ladies and Gentlemen, the Commission would like to thank you for your support to the work of the Commission; which has enabled us to make progress in the implementation of the procurement and concessions reform program of the Government.

The Commission looks forward to your continued support and a harmonious working relationship during the years ahead.

With sentiments of our highest consideration and esteem.

Respectfully yours,

Cllr. P. Teplah Reeves
CHAIRPERSON
Public Procurement Concession Commission (PPCC)

ACRONYMNS

CARP Complaints, Appeals & Review Panel
CIPS Chartered Institute of Purchasing & Supply
CMD Compliance and Monitoring Division
CQS Selection Based on Consultant Qualification

C4DE Strengthening National Capacities for Development Effectiveness

EOI Expression of Interest EU European Union FY Fiscal Year IFB Invitation for Bid

IFMIS Integrated Financial Management Information System (IFMIS)

MCAL Millennium Challenge Account Liberia
MME Ministry of Lands, Mines & Energy

MPW Ministry of Public Works

MME Ministry of Lands, Mines & Energy NCB National Competitive Bidding

PE Procuring Entity

PPCA Public Procurement & Concessions Act

PPCC Public Procurement & Concessions Commission

RFQ Request for Quotations

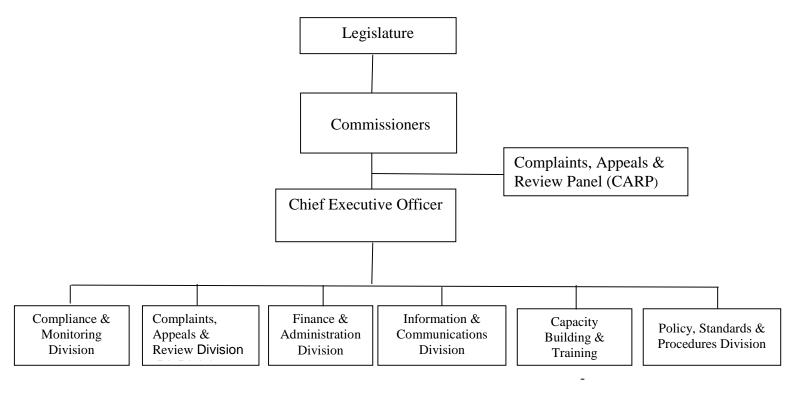
STAOP Strengthen Transparency, Accountability, Oversight and Participation

UNDP United Nations Development Program

WB World Bank

A. Structure of the PPCC

Public Procurement and Concessions Commission Organizational Structure



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1.0 EXECUTIVE SUMMARY

The Public Procurement & Concessions Commission (PPCC) was established in 2006 to oversee all public procurement and concessions processes in accordance with the PPCA 2005 as amended and restated in 2010. The PPCC is the Public Procurement Authority that monitors compliance of all procuring entities with the governing procurement laws, which are stipulated in the Public Procurement and Concession Act of Liberia.

The Act regulates all forms of public procurement and Concessions, establishes the Public Procurement and Concessions Commission, provides for institutional structures for public procurement and concessions, and stipulates methods and procedures for public procurement and concessions and for purposes related thereto (PPCA Section 4 and 5).

The importance of adherence to procurement laws is fundamental to any positive reform process in Liberia, as procuring and concession granting entities meeting up with their obligations to comply with stipulated laws will yield many benefits that are essential to national development.

This report sums up the activities of the Public Procurement and Concession Commission during 2019. During the period under review, new Chief Executive Officer, Atty. Jargbe Roseline Nagbe Kowo, was recruited through a competitive process and subsequently took over on April 5, 2019.

For the reporting period, the amount of US\$1,172,512.00 was appropriated to the Commission; of which, the Commission received US\$806,084.36 as compensation to employees and US\$83,684.18 for goods and services totalling US\$889,768.54 or 76% of what was appropriated and budgeted for the Commission in the approved National Budget 2018/2019.

Please note that during the reporting period, the Commission's financial records for FY 14/15, 15/16, 16/17 and 17/18 were audited by the General Auditing Commission (GAC).

2019 ACTIVITIES

COMPLIANCE MONITORING & REVIEW

The Commission launched the 2019/2020 Compliance Monitoring and Review Exercises of 100 procuring and concession granting entities in October 2019, with the support of United Nations Development Program (UNDP). The initiative is in consonance with the PPCA Sections (5)(a), (e) and (g), of the **Amended and Restated Public Procurement and Concessions Act of 2010 (PPCA)** and is focused on ensuring that procuring and concession granting entities conduct proper procurement planning and abide by the governing procurement laws, to yield competition and value for money in the conduct of procurement and concessions processes in Liberia.

This activity is characterized by visitations from PPCC compliance monitors liaising with the entities procurement units to gather information on approved processes and provide clarifications on processes and procedures where applicable, and to ascertain abidance of procedures as per the PPC Act. It should

be noted that the report from this exercise will be submitted to the National Legislature and the Office of the President as required by Section 20 (2) of the PPCA.

INTERNATIONAL COLLABORATION

In an effort to foster collaboration amongst public procurement regulators in Africa, the Executive Director (ED) attended the High Level African Public Procurement Network (APPN) assembly in Dakar, Senegal in October of the reporting period. This is an important forum held for professional public procurement practitioners and experts to discuss innovative approaches to dealing with similar issues in African countries. The meeting was held from November 13 -17, 2019.

The Commission similarly participated in the Implementation Framework of the West Africa Quality System, a program that supports the ECOWAS Member States and Mauritania to strengthen their quality infrastructure for higher efficiency, improved competitiveness and greater participation in intra- and interregional trade. Heads of Public Procurement Authorities in ECOWAS Member States and Mauritania are all integral part of this program.

VENDORS' REGISTRATION

The Commission has a Vendor Registration Unit responsible for the registration of registering consultants, contractors, non-consultant service providers and suppliers wishing to participate in public procurement and concession processes with the Government of Liberia. The Commission registered and prequalified 71 businesses for the reporting period to participate in public procurement in addition to the 475 it has screened and registered since the establishment of the vendor registration process in 2015.

Please note that out of 546 businesses the Commission has registered and prequalified, 433 are owned by males, while 80 by females and 33 jointly owned by both males and females.

COMPLIANCE WITH PROCUREMENT PLANNING

Part 1 Section 1 of the Amended and Restated Public Procurement and Concessions Act of 2010 (PPCA) states "This Act shall apply to the procurement of goods, works, and services, financed in whole or in parts from public funds including the disposal of government stores, plant and equipment and all concessions as defined under this Act.

Section 24 of the Public Financial Management Act of 2009 (PFMA) requires that all purchases of goods and services from suppliers, including capital investments, shall comply with the provisions prescribed in the Public Procurement and Concessions Act 2005, as amended, and its enabling regulations.

In view of the aforementioned sections of the PFMA 2009 and PPCA 2010, Ministries, Agencies, Commissions and States Owned Enterprises (SOEs), as well as institutions that receive public funds for the procurement of goods, works and services are required to abide by the provisions and requirements of the PPCA in the award and granting of procurement contracts.

In an effort to monitor compliance with the PPCA to all parties the Act applies, the Commission has developed this compliance report using the procurement planning requirement of the PPCA stated under Section 40 as a proxy to measure compliance with the Act.

Section 40 (3) of the PPCA requires the Procurement Committee (PC) of every Procuring Entity (PE) to furnish the Commission with copies of annual procurement plans to the Commission for approval. For the Fiscal Year 2018/2019, 160 spending entities received appropriation for goods and services in the FY 2018/2019 approved national budget. On the overall, of the 160 entities assessed during this period, 75% were compliant in submitting their fiscal year procurement plans and whereas 25% of procuring entities were deemed to be non-compliant, for non-submission of annual procurement plans. There is considerable improvement for the fiscal year 2018/2019 in comparison to the previous fiscal year 2017/2018 relating to entities submitting procurement plans,

The Commission has now launched Monitoring and Compliance Activities for the 2019/2020 fiscal year, and onwards. This is a strategic activity in in consonance with the PPCA Sections (5)(a), (e) and (g), that will ensure thorough inspection of processes of all procuring and concession granting entities, which will enable the acquiring of empirical data on the overall compliance levels of entities.

DONOR SUPPORTED ACTIVITIES

Professionalization of Public Procurement

In continuation of the procurement professionalization efforts in Liberia, the Commission conducted Two CIPS Level III (Advanced Certificate training in Public Procurement) and two CIPS Level 4 training (Strategic Diploma in Public Procurement) respectively from August to October. This initiative is funded by UNDP and it commenced since 2015. The program has so far trained 792 practitioners cross cutting CIPS Level 2, 3, and 4, from 2015-2019. This is significant effort in boosting the skills of procurement practitioners nationally.

Development of E-Procurement Platform

The Commission intends to design, develop and deploy an electronic procurement system which will essentially automate provisions of the Public Procurement procedures and processes for easier and more compliant implementation of PPCA. This system is expected to be linked and interfaced with the IFMIS, LRA, LBR, NIR, Banking System and NASSCORP and will have several controls to ensure that contracts awarded meet all of the requirements of the PPCA. It will to a large extent yield transparency and consequently, higher assurance of efficiency and value for money.

There have been discussions on the establishment and rollout plans have advanced while preliminary activities such as training, study tours and development of the TOR for the proposed eProcurement system requirements specification development and business case is to be completed before the end of 2019.

Two teams have successful completed tours to Rwanda and Botswana; while the third team is expected to visit Georgia in Eastern Europe to have an appreciation of their system as a basis for the establishment and rollout of a National online procurement portal. This initiative is being funded by the World Bank and the African Development Bank.

Development of Procedures & SBD for Internet Procurement

The Commission developed a new set of Standard Bidding Document (SBD), with support from the USAID-funded Digital Liberia project to ensure that the procurement of internet service is done with efficiency and economy from LIBTELCO and others local internet service providers (ISPs); a new evaluation template and a set of instructions for the procurement of Internet Service were also developed. The aforementioned documents were developed to enhance the utilization of Internet Services provided on the USAID funded Monrovia Metro Fiber-ring installed by C-Square, a subsidiary of Google.

Capacity Building Trainings

In keeping with Part 1 (c) of the PPCA (2010), the Commission conducted capacity building trainings for county based procuring entities from all 15 counties; these sessions were held in Grand Gedeh, Nimba and Margibi counties respectively in April 2019. Similarly, additional awareness and training were conducted for Monrovia institutions in June at the Monrovia City Hall.

Furthermore, to ensure that bidders submit responsive bids and proposals when participating in public procurement bidding processes, the Commission conducted a 2-day workshop on preparing responsive bids and proposals for registered contractors, suppliers, service providers and consultants.

MEMORANDUM OF UNDERSTANDING

In an effort to foster collaboration and create conducive learning environment in the area of public procurement, the Public Procurement and Concessions Commission entered into a Memorandum of Understanding with the United Methodist University (UMU) to attain, among others:

- Collaboration in upgrading and standardizing the curriculum for the Bachelor of Business Administration Degree in Procurement and Supply Chain Management currently being offered by UMU; and
- ❖ Increased and Improved procurement manpower capacity capable of meeting the demands of the public and private sector in Liberia, thus boosting employment opportunities both in and outside of Liberia for graduate from the Procurement and Supply Chain management program in Liberia and the professionalization of procurement practice in the country.

CHALLENGES

It is noteworthy to state that there has been buttressing support from partners for selected activities, however, overall the Commission is faced with hitches in implementing key mandates of the institution that will generate proactive reform in the public procurement and concession sectors. In reference, the Commission highlights the following challenges:

- a) Inadequate budget to fully execute all the mandate areas of the Commission;
- b) The unwillingness of some public procurement and concession granting entities to comply with the processes and procedures of the PPCA;
- c) Insufficient manpower to effectively carryout all the mandate areas of the Commission,
- d) Inadequate office space and equipment/working tools such as laptop/computers, furniture and vehicles to enable the Commission fully perform its statutory mandates.

CONCLUSION

In spite of the challenges outlined above, the Commission continues to make remarkable strives in implementing the PPCC Act. The compliance levels of Procuring Entities and concession granting entities to provisions of the PPC Act is gradually improving given the PPCC vigorous activities executed to convey the importance of abiding with procedures and processes. The Commission is convinced that with continued and full support from the GOL, the Compliance Monitoring activities of all procuring and concession granting entities will go a long way in raising the compliance level bars for Liberia.

The Commission states that the Government of Liberia should resonantly emphasize to all, that abidance of the PPCA by all procuring and concession granting entities be a priority in the acquisition of goods, works and services for the State. This is due to the fact that maximizing economy and efficiency in procurement, and obtaining best value for public expenditures, promoting economic development of the country; promoting integrity, accountability and public confidence in public procurement and concession processes are all attributes that ultimately contribute immensely to Liberia's National development.

RECOMMENDATIONS

Enormous progress can be realized in the public procurement and concessions reform program if the following issues are given urgent consideration:

- (a) That the Commission be given the required financial support to facilitate the execution of its monitoring and review mandate of public entities and subsidized institutions;
- (b) Expansion or relocation of the Commission to accommodate existing staff, other units relevant to the functions of the Commission and create training space;
- (c) Priority should be given to long-term procurement capacity building program mainly for PPCC staff geared towards enhancing their skills in public procurement and concessions awards processes;
- (d) Support provided for the implementation of the eProcurement, thus yielding transparency, efficiency and accountability in Liberia's public procurement and concessions processes in Liberia; and
- (e) That monitoring compliance activities in line with the PPCA are fully supported to ensure national compliance of all procuring and concession entities.

2.0 INTRODUCTION

Background

The Public Procurement and Concessions Act (PPCA) of 2005 as amended and restated in 2010 established the Public Procurement and Concessions Commission (PPCC) in 2006, to among other things, ensure compliance with the provisions of the Act to whom all it applies. The Commission has the core objective to that public procurement and concessions activities are done in a fair, transparent, competitive and non-discriminatory manner.

In compliance with Section 20 (2) and (3) of the PPCA, which states "The Commission shall, not later than the end of each calendar year, publish and submit to the Legislature and the President, a report including:

- The Commission's activities and operations for such fiscal year;
- A copy of the Commission's audited accounts;
- A report on the complaints, appeals and administrative reviews for the fiscal year and their outcome;
- Recommendations for improvement of procurement of specific areas of goods, works, services, disposals and the Concessions process and the planned program for the implementation of the recommendations;
- Report on the annual procurement forum held by virtue of Section 5(i) in the previous fiscal year;
- Any general or specific recommendations for improvement of the work of the Commission; and
- Without limiting the generality of subsections (1) and (2) of this Section, the Commission at the request of the Legislature shall provide periodic reports to the Legislature on the activities and operations of the Commission for the period so requested; this report provides an account of the Commission's activities for the year 2019.

In what follows is the detailed report that provides a full coverage of all the major activities implemented by the different divisions and units of the Commission.

3.0 DETAILED REPORT

3.1 OFFICE OF THE EXECUTIVE DIRECTOR

Atty. Jargbe Roseline Nagbe Kowo serves as Chief Executive Officer of the Commission and administers the day to day functions of the Commission in close coordination with:

- Director of Policy, Standards & Procedures;
- Director of Training & Capacity Building;
- Director of Compliance & Monitoring;
- ❖ Director of Information Dissemination & Communications;
- ❖ Director of Complaints, Appeals & Reviews; and
- ❖ Director of Finance & Administration.

The Office of the Chief Executive Officer is staffed with five staff; namely: Chief of Office Staff, Project Officer, Operations Officer, Executive Assistant, and Research Officer.

During the year 2019, the Office of the Chief Executive Officer implemented the following activities, alongside other operational activities as per the mandates of the Secretariat.:

Summary of Notifications & No Objection Requests

During 2019, the Commission received a total of seventeen (17) requests for no objection for public procurement contract awards of goods amounting to USD \$8,879,823.16; while the requested count of all public procurement contract awards of Works were two (2) amounting to \$7,139,776.74 and three (3) requests for services totaling \$436,840.04USD.

Additionally, a total of sixteen (16) contracts above the threshold of \$200,000.00 USD were approved by the Commission and awarded to domestic businesses with total value of \$16,206,439.76 USD, while, two (2) requests were received, approved and awarded to international businesses totaling \$250,000.04USD.

A total of seventeen (17) non-direct contract awards were awarded within the year which summed up to \$15,252,879.20USD. while seven (7) direct contracts requests (Sole Sourcing) based on justifiable application of PPCA laws and upon comprehensive compliance review; costing \$1,202,050.62USD were approved by the Commission in 2019.

Finally, a total of fifteen (15) framework contracts were approved costing \$8,368,083.02 USD which aided in keeping the Government of Liberia expenditure in check during the financial year of 2019.

Compliance Monitoring and Review Exercise

Working in concert with other departments of PPCC, the office of the Chief Executive Officer officially launched the 2019/2020 Compliance Monitoring and Review Exercises of 100 procuring and concession granting entities. The initiative is in consonance with the PPCA Sections (5)(a), (e) and (g), of the Amended and Restated Public Procurement and Concessions Act of 2010 (PPCA) and is focused on ensuring that procuring and concession granting entities conduct proper procurement planning and abide by the governing procurement laws, to yield competition and value for money in the conduct of procurement and concessions processes in Liberia. This activity is characterized by visitations from PPCC compliance monitors that will liaise with the entities procurement units to gather information on approved processes and provide clarifications on processes and procedures where applicable, and to ascertain abidance of procedures as per the PPC Act.

Electronic Procurement Platform

The Office of the Chief Executive Officer is fully engaged with international partners to source funding for the establishment of a robust electronic procurement system that will automate most of the manual processes that are inherent with individual discretions, which are the greatest vulnerabilities and highest risks in public procurement. When established, the system will have linkages with other online platforms including the Integrated Financial Management Information System (IFMIS), revenue portal of Liberia Revenue Authority (LRA), Liberia Business Registry, amongst others. Study tours and training opportunities for staff of PPCC have been held in two countries (Rwanda & Bostwana), while one is pending for the Republic of Georgia in Eastern Europe. The tours are part of preliminary activities designed to facilitate the establishment of users friendly and functional Electronic Procurement Platform in Liberia. The World Bank and African Development Bank are funding the initiative.

African Public Procurement Network General Assembly Meeting

In an effort to foster collaboration amongst public procurement regulators in Africa, the Executive Director (ED) honored an invitation from the World Bank and African Development Bank to attend the High Level African Public Procurement Network Assembly in Dakar, Senegal in October of this year. The forum brought together Executive Directors and Director Generals of public procurement regulatory bodies on the continent of Africa to discuss pertinent issues affecting the implementation of public procurement laws and the attendant challenges and to identify possible solutions to tackle and address them.

3.2 DEPARTMENTAL REPORT

3.2.1 FINANCE & ADMINISTRATION DIVISION

The Division of Finance and Administration is the custodian of the Public Procurement and Concessions Commission's assets, both financial and fixed, while ensuring proper accounting and internal control system. The Division comprises the Finance Department, Human Resource, Procurement, IT and Maintenance Units.

Finance and Administration Department handles the finances of the Commission; setting up proper accounting and internal control systems, keeping accurate records of fixed assets and producing and updating fixed assets register semi-annually. The Division is responsible to produce and submit monthly reports for management and quarterly statutory reports to the Ministry of Finance and Development Planning (MFDP) and the General Auditing Commission (GAC).

The Human Resource Department is temporarily headed by the Director of Policy and Procedures until a manager can be recruited. The Department is clothed with the responsibility of managing employees' issues ranging from welfare to monitoring performance and evaluation.

Procurement Unit is in charge of procurement planning and execution of the Commission's goods and services in the annual budget as well as providing quarterly reports of its activities to management.

The IT Unit function is primarily centered on the PPCC ICT infrastructure maintenance.

Security and janitorial staff come under the Maintenance Section. The security force has six (6) able body men who are responsible to protect life and property at the Commission. They work by shifts and each one has a day off in a week.

During the period under review, the Finance and Administration Division prepared FY2019/2020 Budget in the amount of US\$882,550.00 in accordance with the provisional ceiling provided to the Commission. This amount is broken down into salaries US\$841, 609.00 and goods and services US\$40, 941.00. However, after Legislative approval the PPCC has not received its final budget up to present. In the absence of the final budget, it would be difficult if not impossible, to project spending plan.

Budget Performance

During the reporting period, the Commission received an appropriation in the amount of US\$1,172,512.00; of this amount, the Commission received US\$806,084.36 as compensation to employers and US\$83,684.18 for goods and services totalling US\$889,768.54 or 76% of what was appropriated for the Commission in the approved National Budget 2018/2019.

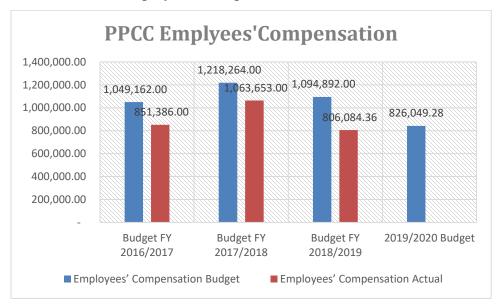
Donor Funded Activities

Through a third-party payment modality, UNDP disbursed the amount of US\$273,788.00 towards the Strengthen Transparency Accountability Oversight and Participation STOAP and C4DE projects. Similarly, the AFDB supported the Commission with the amount of US\$100,000.00 towards the conduct of study tours for the establishment of an electronic procurement system.

In 2019/2020, PPCC expects reduction in further support from the UNDP STAOP and C4DE projects due to the gradual phase-out of the Chartered Institute of Procurement and Supply (CIPS) training; notwithstanding, some funding is expected in other areas.

Below Graph 3 reflects the growing trend in the drop in PPCC Employees' compensation since 2016/2017.

GRAPH 1: Decline Trend of Employees' Compensation



HUMAN RESOURCE UNIT

The Human Resource Unit, as part of the Finance and Administration Division primary function is to coordinate all personnel activities of the Commission. The activities of the Unit cover the period January 1 to December 31, 2019.

Appointments

In 2018, the President appointed a new Board of Commissioners to oversee the policy direction of PPCC. In the same 2018, the tenure of the former Chief Executive Officer, James Dorbor Jallah, came to end. A new Chief Executive Officer, Atty. Jargbe Roseline Nagbe Kowo, was recruited through a competitive process and subsequently took over on April 5, 2019.

Employment

Ms. Vashta C. Browne was employed as Chief of Office Staff in the office of the Executive Director and Mr. Robbin Jackson as driver assigned to the Executive Director on May 1, 2019; Mr. Jefferson Kpeisei was also employed as a security officer on January 2, 3019.

The Commission also integrated two interns from the Intensive Procurement Training Program for a period of two years.

Transfer

Mr. Seta A. Barry was transferred from the office of the Executive Director to the Vendor Registration Unit, while Mr. Alexander J. Bangalu was promoted to Warehouse Clerk. He previously served as a driver.

Foreign Travels

Mr. Titus Tikwa, Jr. attended a two-day regional workshop from May 16-17 in Abidjan, on promoting legal timber through public procurement policy organized by the Food and Agricultural Organization (FAO) of the United Nations. Additionally, the Executive Director represented the Commission at two regional procurement meetings in Senegal and Mauritania. Furthermore, at least 15 staffs and a member of the Board of Commissioners travelled to Botswana and Rwanda on eProcurement study tours funded by the African Development Bank.

Jury Nomination

As part of its civil duty, the Commission seconded six employees for jury assignment during the period under consideration.

Training

During 2019, five and six employees participated in training workshop sessions of the Chartered Institute of Purchase and Supply Level 3 and 4, respectively. Additionally, a two-day in-house workshop was held for staff of the Commission in Compliance Monitoring and Review.

Mr. Michael Dennis and Antoine Dayrell travelled to the Republic of Ghana to acquire Master Degrees in Public Sector Management at the Ghana Institute of Management and Public Administration (GIMPA).

Other Issues

The Unit during 2019 updated the files of employees.

Finally, a total of twenty-five staffs were approved annual leaves, one maternity leave and two sick leaves.

Procurement Unit

In order to achieve the overall mandate and objectives of the Commission, the Procurement Unit conducts all procurement activities on behalf of the Commission consistent with requirements of the Public Procurement and Concession Act of Liberia (PPCA-Section 29).

Summary Donor and GOL Funded Procurement Activities

During the period under review, the Commission acquired goods and services in the amount of one hundred seven thousand nine hundred forty-three United States Dollars and ninety-seven cents (US\$ \$107,943.35).

The total procurement expenditure incurred comprises of donor funded project which amounts to US\$63,686.57, whilst GOL financed procurement commitments during this same period totals US\$44,256.77.

Of the total value of contract awarded during the period, **US\$63,686.57** or 59% was awarded to Liberian owned businesses in fulfilment of the Small Business Act, and **US\$44,256.77** or **49%** was awarded to non-Liberian owned businesses.

It is noteworthy to mention that the Commission was able to pay vendors in accordance with the payment terms in contracts awarded due to the provision of inadequate allotments to the Commission by the Ministry of Finance and Development Planning (MFDP). Likewise, the Commission did not execute some of its planned procurement activities due to inadequate funding.

3.2.2 POLICY, STANDARDS & PROCEDURES DIVISION

The Division of Policy, Standards & Procedures is charged generally with the responsibility to:

- Develop rules, instructions, regulations and related documentation on public procurement and concessions, including formats in furtherance of the Act;
- ❖ Formulate policy and prepare standards for procurement and concessions, including forms of contract
- Assess the operations of the public procurement and concession processes and make improvements where necessary amongst others.

During the reporting period, in collaboration with the Millennium Challenge Account Liberia (MCAL) and the Ministry of Public Works (MPW), the Division developed the Procurement Procedural Manual to guide procurement activities under the Matching Road Maintenance Fund (MRMF), which was approved by the Board of Commissioners.

Also, in an effort to curtail influx of requests for "No Objection" by concession entities to accept unsolicited concession bids as the basis for granting concessions, and in fulfillment of the PPCA Section 101, which requires the Commission to adopt regulation to provide for the procedures for accepting unsolicited bids as the basis for negotiating concession agreement, the Division of Policy in collaboration with the Legal Division completed the draft regulation for the procedures to guide Concession entities in accepting unsolicited bids.

In line with the rural electrification project being sponsored by the European Union (EU), the Division represented the Commission on the Technical Review Committee (TRC), comprising representatives of the Ministry of Mines and Energy (MME), Liberia Electricity Regulatory Commission (LERC), Liberia Electricity Corporation (LEC), Millennium Challenge Account Liberia (MCA-L) and Rural Renewable Energy Agency (RREA) to review the Financial Pre-Feasibility Studies and the proposed Affermage Contract Concept and proffer recommendations. The review was concluded on Thursday, July 11, 2019, and recommendations communicated to the heads of institutions represented on the Technical Review Committee. The review comes from the backdrop of European Union's funded Pre-feasibility studies of ten major cities (Cestos city, Greenville, Barclayville, Buchanan, Harper, Pleebo, Fish town, Zwedru, Tappita, Gbarnga) to determine the economic viability for a Public Private Partnership (PPP) arrangement. Following the studies, EU consultants proposed Affermage type of PPP contract arrangement to be introduced for private companies to invest and carry out operation and maintenance of the rural electrification projects.

Moreover, the Division continues to identify internal weaknesses at all levels of the Commission and make appropriate recommendations to further strengthen its functional responsibility. Some of the weaknesses include limited working templates and standard formats that are needed to optimize the Commission's functions. The Policy Division has therefore started working with other divisions to improve existing templates where necessary and create new ones where required. So far, the process has yielded some positive results by developing a list of the necessary templates for the Commission's work.

2.2.3 COMPLIANCE & MONITORING DIVISION

The Department of Compliance & Monitoring is charged with the responsibility to:

- i. Monitor compliance of procuring and concession entities with the procedures under the law and regulations established by the PPCC;
- ii. Review procurement and concession documents and/or inspect records as necessary and prevent corruption of the process or any intended process;
- iii. Investigate public and private entities as necessary where there are allegations or suspicion that these entities have neglected their obligations under the law;
- iv. Maintain a list of bidders or entities that have been debarred from public procurement or concessions;
- v. Provide information to be published in the Public Procurement and Concessions Bulletin as required.

Activities and Achievements

During the course of the calendar year 2019, the Division of Compliance and Monitoring has carried out and implemented the following activities:

- 1. Developed an annual Procurement Calendar for the 2019/2020 fiscal year;
- 2. Updated its compliance monitoring and review tools for the conduct of compliance monitoring and reviews;
- 3. Updated the contract package directory guide;

- 4. Conducted procurement plan hearing for over 73 procuring entities out of the 140 entities invited to the annual procurement plan hearing exercise for the FY 2019/2020;
- 5. Reviewed up to 100 requests for "No Objection" to award contracts for goods above US\$200,000, works above US\$400,000 and services above US\$100,000;
- 6. Reviewed and approved up to 75 procuring entities annual procurement plans 2019/2020;
- 7. Collaborated with the Division of Communications and conducted the 2019/2020 procurement planning workshop;
- 8. Collaborated with the Division of Communications and conducted the 2019 Private sector workshop, and
- 9. Conducted in-house workshop on compliance monitoring tools for compliance officers.

In an effort to fulfill the CMD's obligations to the PPCC Secretariat's work, the division completed its 2018/2019 procurement planning compliance report for 160 public procuring entities as well as subsidized institutions.

On the overall, of the 160 entities assessed for procurement planning done in 2018/2019, 75% or 120 procuring entities were deemed to be compliant; whereas 25% or 40 procuring entities were deemed to be noncompliant. *Please see Annexes 1 and 2 on page 18 through 20 for the full listing.*

There was an 83% compliance level for entities with main lines in the FY 2018/2019 National Budget representing 18 percentage points increase in their compliance level from the previous fiscal year (2017/2018).

State-Owned Enterprises (SOEs) achieved a compliance level of 95%, up by 20 percent from 2017/2018 and nearing the desired target of 100% compliance level with the PPCA. Compliance level for agencies and organizations that received transfers and grants has also improved with the FY 2018/2019 at 44% up from 4% the previous year, representing 40% improvement. Eighteen transfer/grant receiving entities were identified as compliant. All other agencies and organizations that received grants or transfers have been adjudged to be procurement non-compliant for FY 2018/2019 or deemed unclassified, because they did not have approved procurement plans for the mentioned period or whatever funds received were judged to be unspecified and needing further investigation; hence all activities carried out by them were done outside the framework of the PPCA.

The 17% non-compliance represents an improvement from 35% non-compliance in FY 2017/2018 as is suggested by the 65% compliance percent acquired in 2017/2018 reflected in Figure 1 below.

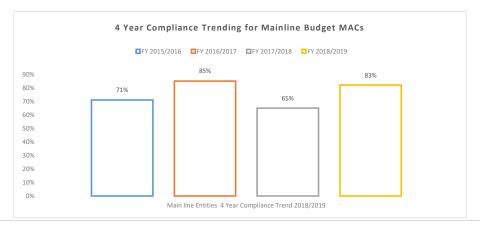


Figure 1: Compliance Trending of Mainline Budget MACs form 2015/2016 – 2018/2019

On November 8, 2019, the Commission launched the monitoring of the procurement activities of 100 public and subsidized entities for the FY 2019/2020. In addition, at least 4 large spending procurement entities 2018/2019 fiscal procurement year activities will be reviewed beginning November 18, 2019 up to February 2020.

It is worth noting that due to the current inadequacy in its staff number, the CMD is leveraging and collaborating internally with other divisions of the Secretariat to carry out the review and monitoring exercises mentioned above. A total of 85 entities will be targeted in Monrovia and its environs, while 15 others, will be monitored in Bong, Margibi, Bomi and Grand Bassa.

VENDOR REGISTRATION UNIT

The Vendor Registration Unit was established in 2015 purposely to enhance efficiency in public procurement; increase the level of participation of businesses and companies in public tenders; facilitate the implementation of the Small Businesses Act legislated to promote the growth of Liberian-owned businesses; formalize the informal sector of the economy; and improve tax compliance and revenue generation. It is tasked with the responsibility to:

- Process/Register all businesses and consultants that desire to obtain contract from GOL;
- Upload all registered businesses on the PPCC Online Vendors Register;
- Update vendors' data on an ongoing basis; and
- Monitor interested businesses listed in the VR data base.

Despite some challenges faced during the year 2019, the VR Unit completed the registration and prequalification of 71 businesses, thus increasing the total number of registered and prequalified businesses to 546. Of the total number of 546 businesses registered to date, 412 or 75.5% are Liberian owned businesses; 133 or 24.3% are Non-Liberian owned businesses and 1 or 0.18% is an International or Non-Governmental Organization (NGO). It is worthwhile to add that 433 or 79.3% of the mentioned businesses are owned by males, 80 or 14.6% are owned by females, and 33 or 6% are owned by both males and females.

3.2.4 INFORMATION & COMMUNICATIONS DIVISION

The Division of Communications is charged with the responsibility to disseminate information related to the Act such as the development and publication of the quarterly Public Procurement and Concessions Bulletin, managing Public Relations on behalf of the Commission, and publishing the annual report of the Commission, amongst others.

During the year under review, the Division made the following achievements/representations:

Procurement Compliance Orientation

As part of efforts to strengthen the capacity of appointed officials and procurement technicians, the Commission held sensitization/awareness workshop for 127(One hundred twenty-seven) local officials, drawn from the 15 counties of Liberia. The workshop was held in three locations, namely: Zwedru, Grand Gedeh County, Ganta, Nimba County and Kakata, Margibi County. The objective was to strengthen the capacity of local officials, so as to achieve greater efficiency, effectiveness, transparency and accountability in public procurement. The sessions were held at different dates and time intervals to include March 18-19, 18-21, and 25-28, 2019. The participants included county superintendents and their deputies, chairs of project management committees (PMC), county procurement officers, administrators/heads and procurement officers of county based institutions to include health and education sectors, as well as mayors of various municipalities.

Similar intervention was made in May and June, 2019 at the Monrovia City Hall to address the procurement capacity gaps in ministries, agencies and autonomous commissions, as well as state owned enterprises. The attendees included heads of procurement committees, deputies for administration and procurement technicians. One Hundred sixty-five (165) officials participated. Of this total number, 127 were males while 38 were females. Funding was provided by UNDP through **Strengthening Transparency Accountability Oversight and Participation (STAOP) project.**

Bid Tendering Workshop

Also, in October 2019, a two-day sensitization workshop was held at the Monrovia City Hall, aimed at increasing participation of private sector businesses in government tender. Ninety-two (92) persons, representing variant businesses in the categories of goods, works, and services procurement, participated. Out of this number, sixty-nine (69) were males while twenty-three (23) were females. The workshop was held to satisfy the following objectives:

- Strengthen capacity of private sector businesses to meet eligibility requirements for entry to the PPCC's Vendors Register;
- ❖ Increase participation of private sector businesses in public procurement;
- Understand the "dos and don'ts" of the bidding process for the procurement of Goods, Works and Services; and
- ❖ Formalize the informal sector of the economy and create opportunities for Liberian owned businesses.

Professionalization of Public Procurement

In 2015 the Public Procurement and Concessions Commission (PPCC), working in collaboration with United Nations Development Program (UNDP) through **Strengthening National Capacities for Development Effectiveness (C4DE) Program**, launched the maiden training session of CIPS Level 2 Introductory Certificate Course in Liberia. CIPS is the acronym for the UK based Chartered Institute of Purchasing and Supply. Ninety (90) public sector procurement staffs benefited from this initial intervention. The program was expanded to include CIPS Levels 3 & 4. The expansion was informed by the high performance level of public sector staffs who participated in the introductory sessions. Seven Hundred Ninety-Two (792) Liberian procurement practitioners have so far been trained at different levels of the procurement professionalization circle.

To date, twenty (20) classes have been held in Liberia. Of this total number, 10 classes were held at the introductory level (CIPS 2), six classes at the intermediate level (CIPS 3), and four (4) classes at the

approved final level in this category, (CIPS 4). Gender balance/sensitivity was highly prioritized. The current participation of gender into the program is 518 males to 273 females. The first graduation program was held for 32 certified public procurement practitioners in 2019. Another rounds of CIPS Levels 3&4 back- to- back training sessions were held in September and October 2019. Below is the Summary of CIPS trainings in Liberia since its inception in 2015.

Liberia	Liberia Summary of CIPS Trainings													
	Level 2			Lev el 3			Level 4			Tota I Male	Tota I Fem ale	Gra nd Tota I	Percenta ge - %	
Year	No. of Trai nee s	M	F	No. of Tra ine es	M	F	No. of Trai nees	M	F				Mal e	Fe mal e
2015	88	67	21							67	21	88	76 %	24 %
2016	169	142	27							142	27	169	84 %	16 %
2017	41	22	19	126	93	33	60	42	18	157	70	227	69 %	31 %
2018	126	38	88	37	14	23				52	111	163	32 %	68 %
2019				72	51	21	73	49	24	100	45	145	69 %	31 %
Total	424	269	155	235	158	77	133	91	42	518	273	792	65. 4%	35 %
Clas ses	10 Classes			6 classes			4 Classes							

Increasing Visibility and Awareness

The Division, as part of its responsibilities provided prompt responses to media inquiries, held radio talk shows, issued press releases and statements and provided public education on the procurement processes and procedures. The website of the Commission was regularly updated with news articles, releases and other relevant documents to include approved annual procurement and concessions plans, and rulings of procurement complaints filed with the PPCC.

Also, billboards were erected in strategic locations in Monrovia and others parts of Montserrado to clearly communicate and increase awareness about the PPCA. The billboards carry easy-to-read messages or inscriptions about the compliant mechanism, public procurement compliance requirements, and the procurement processes/steps that entities and actors in the procurement ecosystem are required to follow to ensure transparency and accountability. Series of live radio shows, drama and jingles were also aired on key radio stations in Monrovia and a considerable number of community radio stations to sensitize stakeholders about the PPCA and the benefits pertaining.

3.2.5 COMPLAINTS, APPEALS & REVIEW DIVISION

The Complaints, Appeals and Review Division is charged with the responsibility to:

- ✓ Coordinate all legal matters of the Commission
- ✓ Provide legal guidance to the Secretariat
- ✓ Represent the Commission in all legal matters
- ✓ provide technical, research & secretariat support to the Complaints, Appeals and Review Panel (CARP)
- ✓ Receive and advise on all complaints, appeals or requests for review.

The reporting period witnessed the drop in the membership of CARP to three (3) members instead of five (5) as required by the Act. This situation has resulted to a lack of quorum for the CARP to make decisions in cases heard, as the relevant section of the Act requires a quorum of four (4) members for decision making. In addition to the incompleteness of membership of CARP, the tenures of the current members have expired, thereby necessitating the reconstitution of the CARP. The recruitment process has already started with the publication in the local dailies and PPCC website of the vacancy notice since November 19, 2019 and ended December 31, 2019.

Meanwhile, the below complaints and documents were referred to the Division for review and advice, which assignments were completed and submitted to the ED:

- 1. Electricity Licensing Regulations for Service Providers in the Electricity Sector Industry and Micro Utility Licensing Regulations for Off-Grid Service Providers in the Electricity Supply Industry submitted by Liberia Electricity Regulatory Commission (LERC) for the Commission's input.
- 2. Liberia Revenue Authority of Liberia & Madras Security Printers Pvt. Ltd. Award

Additionally, the Division reviewed Part VI of the PPCA, 2010 to identify provisions for possible future Amendments that would also include new provisions that will accommodate Public-Private Partnership legal framework for Asset/Infrastructure Concession, Management Contracts, Leases and other PPP contract forms.

4.0 CHALLENGES

It is noteworthy to state that there has been buttressing support from partners for selected activities, however, overall the Commission is faced with hitches in implementing key mandates of the institution that will generate proactive reform in the public procurement and concession sectors. In reference, the Commission highlights the following challenges:

- a) Inadequate budget to fully execute all the mandate areas of the Commission;
- b) The unwillingness of some public procurement and concession granting entities to comply with the processes and procedures of the PPCA;
- c) Insufficient manpower to effectively carryout all the mandate areas of the Commission,

d) Inadequate office space and equipment/working tools such as laptop/computers, furniture and vehicles to enable the Commission fully perform its statutory mandates.

5.0 CONCLUSION

In spite of the challenges outlined above, the Commission continues to make remarkable strives in implementing the PPCC Act. The compliance levels of Procuring Entities and concession granting entities to provisions of the PPC Act is gradually improving given the PPCC vigorous activities executed to convey the importance of abiding with procedures and processes. The Commission is convinced that with continued and full support from the GOL, the Compliance Monitoring activities of all procuring and concession granting entities will go a long way in raising the compliance level bars for Liberia.

The Commission states that the Government of Liberia should resonantly emphasize to all, that abidance of the PPCA by all procuring and concession granting entities be a priority in the acquisition of goods, works and services for the State. This is due to the fact that maximizing economy and efficiency in procurement, and obtaining best value for public expenditures, promoting economic development of the country; promoting integrity, accountability and public confidence in public procurement and concession processes are all attributes that ultimately contribute immensely to Liberia's National development.

6.0 RECOMMENDATIONS

Enormous progress can be realized in the public procurement and concessions reform program if the following issues are given urgent consideration:

- (f) That the Commission be given the required financial support to facilitate the execution of its monitoring and review mandate of public entities and subsidized institutions;
- (g) Expansion or relocation of the Commission to accommodate existing staff, other units relevant to the functions of the Commission and create training space;
- (h) Priority should be given to long-term procurement capacity building program mainly for PPCC staff geared towards enhancing their skills in public procurement and concessions awards processes;
- (i) Support provided for the implementation of the eProcurement, thus yielding transparency, efficiency and accountability in Liberia's public procurement and concessions processes in Liberia; and
- (j) That monitoring compliance activities in line with the PPCA is fully supported to ensure national compliance of all procuring and concession entities.

Annex 2-1: List of Procuring Entities with Approved Procurement Plans for FY 2018/2019

S/N	
-	Procuring Entity
1	AGRICULTURAL AND INDUSTRIAL TRAINING BUREAU
2	BOARD OF TAX APPEALS
3	BOMI COUNTY COMMUNITY COLLEGE
4	BOOKER WASHINGTON INSTITUTE
5	NIMBA COMMUNITY COLLEGE
6	CENTRAL AGRICULTURAL RESEARCH INSTITUTE (CARI)
7	CIVIL SERVICE AGENCY
8	COOPERATIVE DEVELOPMENT AGENCY
9	CUTTINGTON UNIVERSITY
10	ENVIRONMENTAL PROTECTION AGENCY
11	EXECUTIVE PROTECTION SERVICES
12	FINANCIAL INTELLIGENCE UNIT
13	FORESTRY DEVELOPMENT AUTHORITY
14	FORESTRY TRAINING INSTITUTE
15	GENERAL AUDITING COMMISSION
16	GENERAL SERVICE AGENCY
17	GOVERNANCE COMMISSION
18	HARBEL COLLEGE
19	HOUSE OF REPRESENTATIVES
20	GRAND KRU COUNTY ADMINISTRATION
21	INTERNAL AUDIT AGENCY
22	JACKSON F DOE HOSPITAL
23	JOHN F. KENNEDY MEDICAL CENTER
24	JUDICIARY
25	KAKATA RURAL TEACHER TRAINING INSTITUTE
26	LAW REFORM COMMISSION
27	LIBERIA AGENCY FOR COMMUNITY EMPOWERMENT
28	LIBERIA AGRICULTURE COMMODITY REGULATORY AUTHORITY
29	LIBERIA ANTI-CORRUPTION COMMISSION
30	LIBERIA BOARD FOR NURSING AND MIDWIFERY
31	LIBERIA BROADCASTING SYSTEM
32	LIBERIA ELECTRICITY CORPORATION
33	LIBERIA EXTRATIVE INDUSTRY TRANSPARENCY INITIATIVE
34	LIBERIA INSTITUTE OF PUBLIC ADMINISTRATION
35	LIBERIA INSTITUTE OF STATISTICS & GEO-INFORMATION SERVICES
36	LIBERIA MEDICAL AND HEALTH PRODUCTS REGULATORY AUTHORITY
37	LIBERIA REFUGEE REPATRIATION AND RESETTLEMENT COMMISSION
38	LIBERIA REVENUE AUTHORITY (LRA)
39	LIBERIA TELECOMMUNICATION CORPORATION
40	LIBERIA WATER AND SEWER CORPORATION
41	LIBERIAN SENATE
42	GRAND BASSA COUNTY COMMUNITY COLLEGE
43	MINISTRY OF AGRICULTURE
44	MINISTRY OF COMMERCE AND INDUSTRY

45	MINISTRY OF EDUCATION
46	MINISTRY OF FINANCE AND DEVELOPMENT PLANNING
47	MINISTRY OF FOREIGN AFFAIRS
48	MINISTRY OF GENDER, CHILDREN AND SOCIAL PROTECTION
49	MINISTRY OF HEALTH
50	MINISTRY OF INFORMATION, CULTURAL AFFAIRS & TOURISM
51	MINISTRY OF INTERNAL AFFAIRS
52	MINISTRY OF JUSTICE
53	MINISTRY OF LABOUR
54	MINISTRY OF LANDS, MINES & ENERGY
55	MINISTRY OF NATIONAL DEFENSE
56	MINISTRY OF POST AND TELECOMMUNICATION
57	MINISTRY OF PUBLIC WORKS
58	MINISTRY OF STATE FOR PRESIDENTIAL AFFAIRS
59	MINISTRY OF TRANSPORT
60	MINISTRY OF YOUTH AND SPORTS
61	MONROVIA CITY CORPORATION
62	MONROVIA CONSOLIDATED SCHOOL SYSTEM
63	NATIONAL AIDS COMMISSION
64	NATIONAL BUREAU OF CONCESSIONS
65	NATIONAL COMMISSION ON HIGHER EDUCATION
66	NATIONAL COUNCIL OF CHIEFS AND ELDERS
67	NATIONAL DISASTER MANAGEMENT AGENCY
68	NATIONAL ELECTIONS COMMISSION
69	NATIONAL HOUSING AUTHORITY
70	NATIONAL IDENTIFICATION REGISTRY
71	NATIONAL INSURANCE CORPORATION OF LIBERIA
72	NATIONAL INVESTMENT COMMISSION
73	NATIONAL LOTTERY AUTHORITY
74	NATIONAL PUBLIC HEALTH INSTITUTE OF LIBERIA
75	NATIONAL TRANSIT AUTHORITY
76	OFFICE OF THE VICE PRESIDENT
77	PAYNESVILLE CITY CORPORATION
78	PHEBE HOSPITAL AND SCHOOL OF NURSING
79	PUBLIC PROCUREMENT AND CONCESSIONS COMMISSION
80	RUBBER DEVELOPMENT FUND INCORPORATED
81	RURAL RENEWABLE ENERGY AGENCY
82	WEBBO RURAL TEACHER TRAINING INSTITUTE
83	ZORZOR RURAL TEACHER TRAINING
84	Bong Technical College

Annex 2:2 List of Procuring Entity without Approved Procurement Plan for FY 2018/2019

Annex S/N	2:2 List of Procuring Entity without Approved Procurement Plan for FY 2018/2019
3/N 1.	Procuring Entity Contact for National Decuments Beautiful & Archives (CNDRA)
2.	Center for National Documents, Records & Archives (CNDRA)
3.	Forestry Training Institute
	Grand Gedeh Community College
4.	Lofa Community College
5.	Liberia Land Authority
6.	Liberia Medical & Dental Council
7.	Liberia Pharmacy Board
8.	National Commission on Disabilities
9.	National Commission on Small Arms
10.	National Veteran Bureau
11.	Bensonville Health Center
12.	Bensonville Hospital (James N. Davies)
13.	Bomi County Administration – MIA
14.	Bomi County Health System
15.	Bong County Administration – MIA
16.	G.W. Harley Hospital
17.	Ganta United Methodist Hospital
18.	Gbarpolu County Administration – MIA
19.	Grand Bassa County Health System
20.	Grand Cape Mount Administration – MIA
21.	Martha Tubman Hospital
22.	Maryland County Administration – MIA
23.	Montserrado County Administration – MIA
24.	Nimba County Administration – MIA
25.	Redemption Hospital
26.	River Cess County Administration – MIA
27.	River Gee County Administration – MIA
28.	Sinoe County Administration – MIA
29.	African Dream Clinic
30.	University of Liberia
31.	West African Examination Council
32.	Williams V.S. Tubman University
33.	Forestry Training Institute
34.	Central Bank of Liberia
35.	Independent Information Commission
36.	Grand Kru County Health System
37.	Liberia International Islamic School System
38.	Liberia Institute of Certified Public Accountants
39.	Margibi County Administration – MIA
40.	Independent National Commission on Human Rights